

EXHIBIT A

Summons - Alias Summons

(12/31/15) CCG N001

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

MIDWEST GOLDBUYERS, INC.

v.

BIRGE CLAUDE E. JR.

No. 2017-L-005362

Defendant Address:

BIRGE CLAUDE E. JR.

405 N. Wabash

Unit 1809

Chicago, IL 60611

☐ SUMMONS ☒ ALIAS - SUMMONS

To each defendant:

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance, and pay the required fee, in the Office of the Clerk of this Court at the following location:

☒ Richard J. Daley Center, 50 W. Washington, Room 801, Chicago, Illinois 60602

☐ District 2 - Skokie

5600 Old Orchard Rd.
Skokie, IL 60077

☐ District 3 - Rolling Meadows

2121 Euclid 1500
Rolling Meadows, IL 60008

☐ District 4 - Maywood

Maybrook Ave.
Maywood, IL 60153

☐ District 5 - Bridgeview

10220 S. 76th Ave.
Bridgeview, IL 60455

☐ District 6 - Markham

16501 S. Kedzie Pkwy.
Markham, IL 60428

☐ Richard J. Daley Center

50 W. Washington, LL-01
Chicago, IL 60602

You must file within 30 days after service of this Summons, not counting the day of service.

IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE RELIEF REQUESTED IN THE COMPLAINT.

To the officer:

This Summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this Summons shall be returned so endorsed. This Summons may not be served later than thirty (30) days after its date.

☐ Atty. No.: 48525

Name: KARAMANIS LAW GROUP LLC

Atty. for: MIDWEST GOLDBUYERS, INC.

Address: 180 STETSON 3050

City/State/Zip Code: CHICAGO, IL 60601

Telephone: (312) 553-5300

Primary Email Address: james@bkchicagolaw.com

Secondary Email Address(es):

Witness:

Thursday, 01 DOROTHY BROWN
CLERK OF THE CIRCUIT COURT

DOROTHY BROWN, Clerk of Court

Date of Service:

(To be inserted by officer on copy left with Defendant or other person)

**Service by Facsimile Transmission will be accepted at:

(Area Code) (Facsimile Telephone Number)

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Summons - Alias Summons

(12/31/15) CCG N001

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

MIDWEST GOLDBUYERS, INC.

v.

BIRGE CLAUDE E. JR.

No. 2017-L-005362

Defendant Address:

BIRGE CLAUDE E. JR.

405 N. Wabash

Unit 1809

Chicago, IL 60611

☐ SUMMONS ☒ ALIAS - SUMMONS

To each defendant:

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance, and pay the required fee, in the Office of the Clerk of this Court at the following location:

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> Richard J. Daley Center, 50 W. Washington, Room 801, Chicago, Illinois 60602 | | |
| <input type="checkbox"/> District 2 - Skokie
5600 Old Orchard Rd.
Skokie, IL 60077 | <input type="checkbox"/> District 3 - Rolling Meadows
2121 Euclid 1500
Rolling Meadows, IL 60008 | <input type="checkbox"/> District 4 - Maywood
Maybrook Ave.
Maywood, IL 60153 |
| <input type="checkbox"/> District 5 - Bridgeview
10220 S. 76th Ave.
Bridgeview, IL 60455 | <input type="checkbox"/> District 6 - Markham
16501 S. Kedzie Pkwy.
Markham, IL 60428 | <input type="checkbox"/> Richard J. Daley Center
50 W. Washington, LL-01
Chicago, IL 60602 |

You must file within 30 days after service of this Summons, not counting the day of service.

IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE RELIEF REQUESTED IN THE COMPLAINT.

To the officer:

This Summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this Summons shall be returned so endorsed. This Summons may not be served later than thirty (30) days after its date.

☐ Atty. No.: 48525

Name: KARAMANIS LAW GROUP LLC

Atty. for: MIDWEST GOLDBUYERS, INC.

Address: 180 STETSON 3050

City/State/Zip Code: CHICAGO, IL 60601

Telephone: (312) 553-5300

Primary Email Address: james@bkchicagolaw.com

Secondary Email Address(es):

Witness:

DOROTHY BROWN
Thursday, 01

DOROTHY BROWN, Clerk of Court

Date of Service:

(To be inserted by officer on copy left with Defendant or other person)

**Service by Facsimile Transmission will be accepted at:

(Area Code) (Facsimile Telephone Number)

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

ELECTRONICALLY FILED

3/25/2017 4:56 PM

2017-L-005362

CALENDAR: Y

PAGE 1 of 4

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

CIRCUIT COURT OF
COOK COUNTY, ILLINOIS
LAW DIVISION
CLERK DOROTHY BROWN

MIDWEST GOLDBUYERS, INC., an Illinois
Corporation.

Plaintiff,

v.

CLAUDE BIRGE

Defendant.

No.

VERIFIED COMPLAINT

NOW COMES, the Plaintiff, MIDWEST GOLDBUYERS, INC., an Illinois corporation, (hereinafter referred to as "Plaintiff") by and through its attorneys, Barney & Karamanis, LLP, and complaining of Defendant, CLAUDE BIRGE (hereinafter referred to as "Defendant") alleges as follows:

1. Defendant at all times relevant was a resident of the City of Chicago, County of Cook, State of Illinois.

2. At all times the Plaintiff was a precious metal dealer and shipped precious metals to its refinery.

3. On or about March 8, 2010, Plaintiff and Brinks Global Services USA ("Brinks") entered into a service based contract for purposes of Brinks providing delivery services of Plaintiff's merchandise, including, but not limited to the delivery of precious metals on behalf of Plaintiff.

4. The facts giving rise to the instant action revolve around three separate shipments that Brinks took possession of and agreed to deliver on behalf of Plaintiff. The shipments were picked up by defendant on September 21, 2011, September 28, 2011 and November 15, 2011 (collectively the "Shipments").

5. At times at which Brinks had possession of the Shipments, Defendant was employed by Brinks and had access to the Shipments.

6. Brinks failed to deliver the Shipments as requested by Plaintiff in that the (i) September 21, 2011 Shipment weight of upon delivery to Plaintiff's refinery was 5.0879375 pounds (81.407 ounces) less than when Brinks picked up the Shipment at Plaintiff's processing Center, (ii) September 28, 2011 Shipment weight of upon delivery to Plaintiff's refinery was 5.496625 pounds (87.96 ounces) less than when Brinks picked up the Shipment at Plaintiff's processing Center and (iii) November 15, 2011 Shipment weight of upon delivery to Plaintiff's refinery was 5.14 pounds (82.194 ounces) less than when Brinks picked up the Shipment at Plaintiff's processing Center.

7. The shortage in the Shipments resulted in a loss to the Plaintiff of roughly \$252,000.00, plus interest.

8. As a result of the loss, on or about November 4, 2012, Plaintiff commenced a lawsuit against Brinks in Supreme Court, State of New York, bearing index number 653947/2012 for damages and breach of contract. The case has been discontinued recently.

9. Through the discovery process from 2015 to 2016, including, but not limited to depositions and written discovery, including the deposition of the Defendant, Plaintiff discovered upon learning of the loss, the Defendant resigned immediately, he was aware of how to open the bags that the Shipments were placed in, had access to the Shipments and failed to send the Shipments to the overnight carrier as was customary and standard.

10. Furthermore, Defendant kept the shipment overnight, at the Brinks' Chicago facility, in an effort to delay the shipment in order to facilitate the theft.

11. From and after the Plaintiff's loss, the defendant failed to work for nearly four (4) years.

A copy of Defendant's deposition dated November 21, 2015 is annexed hereto as Exhibit "A".

12. Upon information and belief on a series of occasions, the Defendant took the Plaintiff's merchandise without permission and for his own benefit.

13. As a direct and proximate result of Defendant's actions, Plaintiff has suffered monetary damages.

WHEREFORE, Plaintiff prays that this court:

- A. Enter a judgment in favor of Plaintiff and against Defendant for damages in an amount to be proven at the trial or other disposition of this action, in excess of \$252,000.00;
- B. For costs and other applicable penalties; and
- C. For such other, further and different relief as this Court deems just and reasonable.

ELECTRONICALLY FILED
5/25/2017 4:56 PM
2017-L-005362
PAGE 3 of 4

James A. Karamanis
Barney & Karamanis LLP
180 N. Stetson, Suite 3050
Two Prudential Plaza
Chicago, Illinois 60601
Tel.: 312/553-5300
Attorney No. 48525
james@bkchicagolaw.com

MIDWEST GOLD BUYERS, INC.
an Illinois Corporation

By: 

One of its Attorneys

VERIFICATION

Under penalties of perjury provided by law pursuant to Section 1-109 Code of Civil Procedure, the undersigned certifies that the statements set forth in the foregoing instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

MIDWEST GOLDBUYERS, INC.

By: 

Jordan Sadoff, as President

ELECTRONICALLY FILED
2017-11-07 11:44:55 AM
2017-J-005362
PAGE 4 of 4